

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ANTHONY L. GINGELLO, Individually  
and on Behalf of All Others Similarly  
Situating,

Plaintiff,

v.

PATRIOT NATIONAL, INC., STEVEN M.  
MARIANO, and THOMAS C. SHIELDS,

Defendants.

Case No. 1:17-cv-01866-ER

**NOTICE OF ANTHONY L. GINGELLO AND ODS CAPITAL LLC'S  
MOTION FOR CONSOLIDATION OF ACTIONS**

**TO THE CLERK OF THE COURT, ALL PARTIES, AND THEIR RESPECTIVE  
ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that Plaintiff Anthony L. Gingello (“Gingello”), and Lead Plaintiff Movant ODS Capital LLC (“ODS Capital”) respectfully move this Court for an order: (1) consolidating *Kayce v. Patriot National, Inc., et al.*, No. 1:17-cv-07164 (DLC) with the above-captioned action pursuant to Federal Rule of Civil Procedure 42(a); and (2) deeming the PSLRA notice published in connection with the *Kayce* Action void.

This motion is based on this notice, the attached memorandum of law, and the Court’s complete files and records in this action, as well as such further argument as the Court may allow at a hearing on this motion.

Respectfully submitted,

Dated: October 6, 2017

**GLANCY PRONGAY & MURRAY LLP**

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*Counsel for Gingello and ODS Capital, and  
Proposed Lead Counsel for the Class*

**PROOF OF SERVICE**

I, the undersigned say:

I am not a party to the above case and am over eighteen years old.

On October 6, 2017, I served true and correct copies of **NOTICE OF ODS CAPITAL LLC'S MOTION FOR CONSOLIDATION OF RELATED ACTIONS**, by posting the document electronically to the ECF website of the United States District Court for the Southern District of New York, for receipt electronically by the parties listed on the Court's Service List.

And by Fedex on the following parties:

Peter George Safirstein  
Safirstein Metcalf LLP  
1250 Broadway, 27th Floor  
New York, NY 10001

Lynda J. Grant  
TheGrantLawFirm, PLLC  
521 Fifth Avenue, 17th Floor  
New York, NY 10175

By placing true and correct copies thereof in an individual FedEx envelope which I deposited at a FedEx delivery center.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 6, 2017 at Los Angeles, California.

s/ Lesley F. Portnoy  
Lesley F. Portnoy

## **Mailing Information for a Case 1:17-cv-01866-ER Gingello v. Patriot National, Inc. et al**

### **Electronic Mail Notice List**

The following are those who are currently on the list to receive e-mail notices for this case.

- **Todd Harris Henderson**  
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- **Robert Allen Horowitz**  
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### **Manual Notice List**

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)